

REC'D TN
REGULATORY AUTH.

 **BELLSOUTH**

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Guy M. Hicks
General Counsel

OFFICE OF THE
EXECUTIVE SECRETARY

February 11, 1999

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

99-00095

Re: Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and United Telephone-Southeast, Inc. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Docket No. ~~97-01291~~

Dear Mr. Waddell:

Pursuant to Section 252(e) of the Telecommunications Act of 1996, United Telephone-Southeast, Inc. and BellSouth Telecommunications, Inc. are hereby submitting to the Tennessee Regulatory Authority the original and thirteen copies of the attached Petition for Approval of the Amendment to the Interconnection Agreement effective July 1, 1997. The Amendment concerns reciprocal compensation for Provider Traffic (ISP Traffic).

Sincerely yours,

UNITED TELEPHONE-SOUTHEAST, INC.

BELLSOUTH TELECOMMUNICATIONS, INC.

BY: 

Guy M. Hicks
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300
Attorney for BellSouth

BY: _____

James B. Wright
14111 Capital Boulevard
Wake Forest, NC 27587

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BY:

Guy M. Hicks
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300
Attorney for BellSouth

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In re: *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and United Telephone-Southeast, Inc. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*

Docket No. 97-01291

PETITION FOR APPROVAL OF THE
AMENDMENT TO THE INTERCONNECTION AGREEMENT
NEGOTIATED BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC.
AND UNITED TELEPHONE-SOUTHEAST, INC.
PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996

COME NOW, United Telephone-Southeast, Inc. ("Sprint") and BellSouth Telecommunications, Inc., ("BellSouth"), and file this request for approval of the Amendment to the Interconnection Agreement (the "Amendment") negotiated between the two companies pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, (the "Act"). In support of their request, Sprint and BellSouth state the following:

1. Sprint and BellSouth have successfully negotiated an agreement for the interconnection of their networks. The Interconnection Agreement was approved by the Tennessee Regulatory Authority ("TRA") on August 5, 1997.

2. The parties have negotiated an Amendment to the Agreement concerning reciprocal compensation for Internet Service Provider Traffic (ISP Traffic). A copy of the Amendment is attached hereto and incorporated herein by reference.

3. Pursuant to Section 252(e) of the Telecommunications Act of 1996, Sprint and BellSouth are submitting their Amendment to the TRA for its consideration and approval.

4. In accordance with Section 252(e) of the Act, the TRA is charged with approving or rejecting the negotiated Amendment between BellSouth and Sprint within 90 days

of its submission. The Act provides that the TRA may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Sprint and BellSouth aver that the Amendment is consistent with the standards for approval.

6. Pursuant to Section 252(i) of the Act, BellSouth shall make the Agreement available upon the same terms and conditions contained therein.

Sprint and BellSouth respectfully request that the TRA approve the Amendment negotiated between the parties.

This 11th day of February, 1999.

Respectfully submitted,

BELL SOUTH TELECOMMUNICATIONS, INC.

By: 

Guy M. Hicks
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300
(615) 214-6301
Attorney for BellSouth

UNITED TELEPHONE-SOUTHEAST, INC.

By: _____

James B. Wright
14111 Capital Boulevard
Wake Forest, NC 27587
Attorney for Sprint

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Sprint and BellSouth respectfully request that the TRA approve the Amendment negotiated between the parties.

This 11th day of February, 1999.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: _____
Guy M. Hicks
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300
(615) 214-6301
Attorney for BellSouth

UNITED TELEPHONE-SOUTHEAST, INC.

By: James B. Wright
James B. Wright
14111 Capital Boulevard
Wake Forest, NC 27587
Attorney for Sprint

Amendment No. 1

INTERCONNECTION AGREEMENT

This Amendment No. 1, between BellSouth Telecommunications, Incorporated ("BellSouth") and United Telephone-Southeast ("Sprint" hereafter collectively, "the Parties"), entered into and effective this 3rd day of December 1998, amends that certain Interconnection Agreement entered into by and between Sprint and BellSouth (the "Interconnection Agreement") the 1st day of July 1997, for the State of Tennessee.

NOW, THEREFORE, the Parties agree to amend the Interconnection Agreement as follows:

- A. Attachment 1, Section 1.1.2 is hereby deleted in its entirety and is substitution thereof is amended to read as follows:

"The Parties acknowledge that they dispute whether they should pay each other reciprocal compensation for Information Service (as that term is defined in the 1996 Act) Provider Traffic (ISP Traffic) under the scope of this Agreement. The FCC has stated that the issue is now before it (In re Federal-State Joint Board on Universal Service FCC 98-67, Report to Congress CC Docket No. 96-45, par. 106, n. 220, April 10, 1998) and numerous state commissions have addressed or will be addressing the issue. Accordingly, the parties agree to abide by a final and non-appealable determination of that issue by the appropriate legal and/or regulatory authority. Until such time as this issue is decided as set forth herein, the Parties agree that compensation is not appropriate under this Agreement for ISP Traffic."

- B. Except as amended herein, the Interconnection Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties thereto have caused this Amendment No. 1 to be Executed by their respective duly authorized representatives.

Approved and executed this 3rd day of December, 1998.

UNITED TELEPHONE-SOUTHEAST,
INCORPORATED

By: 

Name: William E. Cheek

Title: VP Sales and Account
Management

BELLSOUTH TELECOMMUNICATIONS,
INCORPORATED

By: 

Name: Jerry D. Hendrix

Title: Director